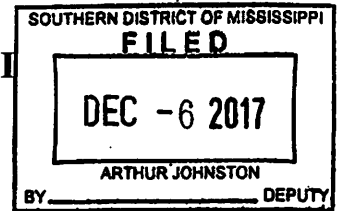


**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**



DOUGLAS HANDSHOE

v.

CIVIL ACTION NO. 1:15cv382-HSO-JCG

VAUGHN PERRET, CHARLES LEARY &
DANIEL ABEL, D/B/A/ TROUT POINT
LODGE LTD OF NOVA SCOTIA & IN
THEIR INDIVIIDUAL CAPACITIES
PROGRESS MEDIA GROUP LIMITED,
MARILYN SMULDERS, & ASHOKA

**REBUTTAL OF DEFENDANT LEARY'S OPPOSITION TO MOTION TO
DISMISS (ECF 196)**

Plaintiff Douglas Handshoe respectfully submits this rebuttal to defendant Leary's reply (ECF # 196) to Plaintiff's Motion to Dismiss (ECF #187) and will show that the Plaintiff's Motion should be well taken and granted.

Defendant Leary makes a bewildering array of arguments, self-contradictory as some are, in his opposition to the Motion to Dismiss. For instance, he now insists on bringing the claims of Trout Point Lodge, Ltd. as his own despite previously representing to the Court via Counsel that he acted at all times in sending DCMA takedown notices on behalf of Trout Point Lodge, Ltd. Leary contends his state common law counterclaims somehow meet the definition of a compulsory counter claim yet in the same Memorandum astonishingly argues these claims are not

preempted by the Copyright Act due to the lack of a factual basis between the two stating unequivocally, “These facts had nothing to do with the *Copyright Act*”, which is the subject matter of the instant civil action. Such fundamental contradictions as well as positing outright falsehoods about the Court record in local case Number 1:12cv90 rise to the level of sanctionable conduct as is more fully explained in the contemporaneously filed Memorandum in Support of this Rebuttal.

Accompanying this rebuttal are the following Exhibits:

- ECF Number 97 from this instant matter
- Copy of Plaintiff’s receipt from the October 30, 2017 Sheriff’s Sale of Leary’s domesticated Canadian Judgment.

Respectfully submitted this 6th day of December, 2017,



Plaintiff
Douglas Handshoe
Post Office Box 788
110 Hall Street
Wiggins, MS 39577
(601) 928-5380
earning04@gmail.com

CERTIFICATE OF SERVICE

I, Douglas Handshoe, hereby certify that on December 6, 2017 the foregoing was sent for electronically filing by me via the Clerk of the Court using the ECF system which sent notification to all counsel of record upon filing by the Clerk.

I, Douglas Handshoe, hereby certify that on December 6, 2017 I mailed the foregoing to Charles Leary and Vaughn Perret at 140 Trout Point Road, E. Kemptville, NS B5A 5X9 Canada.

Respectfully submitted this 6th day of December, 2017,



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